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House of Representatives

The House was not in session today. Its next meeting will be held on Friday, October 24, 2003, at 10 a.m.

Senate

WEDNESDAY, OCTOBER 22, 2003

The Senate met at 9:30 a.m. and was called to order by the Honorable SAMUEL D. BROWNBACK, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, Great Lover of our souls, You are our glory, our hope, and our refuge in the day of trouble. Nothing is sweeter than Your love.

Lord, may we remember that Your love can cast out fear, and release us from chains of selfishness. Help us to live to please You.

May we remember that we are only pilgrims on Earth, made for eternity, not for time alone. Give the light of Your truth to our Senators so that they will remain ethically fit. May they not rest their trust in only what humans can accomplish, but in the power of Your Spirit. Let their mouths speak wisdom and make them forces for unity.

Teach us to depend on You so that our joy may be full. We pray this in Your strong name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAMUEL D. BROWNBACK led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 22, 2003.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SAMUEL D. BROWNBACK, a Senator from the State of Kansas, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BROWNBACK thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, under the order from last night, the Senate will conduct a period of morning business until 11:30 this morning. During morning business, the first 30 minutes will be under the control of Senator HUTCHISON, the second block of 30 minutes will be under the control of the Democratic leader or his designee, and

the final 60 minutes will be equally divided for Senators to speak.

Following this time, at 11:30 the Senate will resume debate on the motion to proceed to S. 1751, the class action fairness bill. At 12:30 p.m., the Senate will proceed to the vote on the motion to invoke cloture on the motion to proceed to S. 1751. This cloture vote will be the first vote of today's session. I am hopeful that cloture will be invoked today and that we are able to proceed to the legislation for debate and amendments.

If we are to begin consideration of the class action measure, I also hope to reach an agreement on amendments to the bill which would allow us to finish the bill this week. I will be talking to the Democratic leadership about an agreement for later today, if the cloture vote is successful.

Again, I remind Members that we continue to work on time agreements for the consideration of a number of issues—the fair education credit reporting legislation, the anti-spam bill, the Internet tax moratorium measure, the Healthy Forests bill, the CARE Act, as well as nominations that are available on the Executive Calendar.

This is not an exclusive list, and we continue to process legislation each day as legislative items are cleared for floor action.

We have a lot of work to do in the few remaining weeks left in the session. It will require some give on both sides of the aisle. I hope Members will allow us to reach agreements to consider legislation so that we can use the remaining floor time in an efficient manner.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

Mr. REID. Mr. President, as we discussed yesterday on the floor, there is a need to do appropriations bills. As the leader knows, he has spoken to the Democratic leader and there is an opportunity I believe in the next week or so to move a couple of appropriations bills. If there is anything we can do to narrow the size of the omnibus package, the country will be well served. I hope the distinguished Senator from Tennessee will continue to work to see if we can move some of these appropriations bills.

As has been indicated, I think we can do that with a reasonable number of amendments and in a reasonable period of time. It would surely be helpful to the country.

Mr. FRIST. Mr. President, in response, through the Chair, the appropriations bills are critical and we continue to work aggressively. I am in wholehearted agreement. Bringing these bills to the floor one by one is a much preferred route to take. We continue to work aggressively in that regard.

WOMEN'S RIGHTS CENTER IN IRAQ

Mr. FRIST. Mr. President, I wish to take 2 or 3 minutes to make a comment on another issue.

Earlier this month, the Fatima Zehran Center for Women's Rights opened in Hillah in the Babil Province in Iraq. This center is the first of its kind to be established since the liberation of Iraq. It is also one of the many such planned across the country in Iraq. It oversees classes and workshops on women's issues and even broader issues in nutrition, in health, democracy, empowerment and leadership, literacy, computer and Internet skills, and entrepreneurship in local markets.

As we all know, the last 35 years in Iraq have been a period of injustice for and oppression of Iraqi women. They were deprived of their civil and political rights.

This is just another example of tremendous progress being made in Iraq. New programs are being developed and implemented throughout the country to raise the educational standard of Iraqi women. A few employment opportunities are occurring throughout the country. The Baghdad City Council has begun a major project to establish women's institutes throughout the city.

It is clear that the time has come for Iraqi women to occupy their natural position in society and in leading their nation. Now they have the opportunity to play an active role in the decision-making processes of the political and economic development of a free Iraq. I am delighted that such progress is being made, and I look forward to the

full participation of Iraqi women who have been oppressed for so long—for almost three decades now.

I yield the floor.

RESERVATION OF LEADERSHIP TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 11:30 a.m., with the time equally divided between the two leaders or their designees. The first 30 minutes will be under the control of the Senator from Texas, Mrs. HUTCHISON, or her designee, and the second 30 minutes will be under the control of the Democratic leader or his designee.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I have spoken to the Senator from Utah, the Senator from Pennsylvania, and the Senator from Alaska. They have been gracious enough to allow Senator KENNEDY to follow Senator SANTORUM out of order for 5 minutes. We understand that. Senator KENNEDY has no other time. I ask unanimous consent that the Senator from Pennsylvania be recognized for 5 minutes, followed by the Senator from Massachusetts for 5 minutes. I express my appreciation especially to the Senator from Alaska for allowing this to take place.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from the great State of Pennsylvania.

NOMINATION OF WILLIAM H. PRYOR, JR.

Mr. SANTORUM. Mr. President, thank you.

I rise today to voice my support for the nominee who is before this body. There was debate on this nomination last night by many Members on our side of the aisle who are concerned about the treatment of this qualified individual for the circuit court, Attorney General Bill Pryor of Alabama.

I wish to make three points with respect to Attorney General Pryor.

No. 1, his qualifications.

As we heard last night and have heard repeatedly both in the Judiciary Committee and here, there is no question as to the man's qualification, his skills, his experience, his record of accomplishment, his educational background. They are all exemplary, extraordinary. This man, without question, is qualified for this position. I daresay that most, even those who oppose him, have not questioned his innate qualifications for the job.

We set aside the issue of qualifications and take it as a given that he is surely qualified for this position.

The question that has been raised is whether General Pryor would follow the law. That is a question that Members on both sides of the aisle ask of judicial nominees from both parties: Will you follow the law? Will you exercise your own judgment and be creative on the bench?

I daresay if you look at the history—certainly recent history—of the courts, many who have come through this Chamber who said they would follow the law have not done so. I argue that the vast preponderance of those have been nominees of Democratic Presidents who have taken an activist approach on the bench, as well as, unfortunately, some Republican nominees who have taken an activist approach on the bench, an activist approach in the direction that would be contrary to where I would like to see the judiciary go. We have not seen that evidence as much by nominees taking a more conservative approach as opposed to the liberal court approach we have seen in the courts over the years.

Nevertheless, it is a legitimate question for Members on the other side of the aisle to ask if a conservative would adopt their own agenda—probably given the experience of so many liberals adopting their agenda, and they want to make sure, while they are comfortable with that, they would be uncomfortable with conservatives doing the same thing.

In the case of Attorney General Pryor, we have someone who has shown at least on two high profile occasions, most recently just a few months ago, that he would strictly adhere to the law even when he disagrees with the rulings of the court.

In the most famous case of the Ten Commandments in the courthouse in Alabama, Supreme Court Justice Moore wanted a display of the Ten Commandments in the middle of the courthouse, and Attorney General Pryor complied with the removal order even though it is fairly clear he had no problem with this display. Nevertheless, he showed his integrity and followed the law.

In previous cases, in an abortion-related partial-birth abortion decision—we just had a vote on the issue—he followed the law. The Alabama courts, the Supreme Court, issued a ruling and he followed that ruling. This is a man who has integrity and has a record of following the law.

What is the third issue? The third issue has to do with "deeply held beliefs." This was a question asked by several members on the Democratic side at the hearing about his deeply held beliefs. Attorney General Pryor happens to be Catholic. His deeply held religious beliefs dictate to him a position on issues which happen to be antithetical to some on the Democratic side on the Judiciary Committee. I frankly took offense to the question